

REMARKS

In the last Office Action, the Examiner rejected claims 26-39, 41, and 43 under 35 U.S.C. § 102(a) as being anticipated by International Application No. PCT/US99/14343 to Hymel et al. (hereinafter, “Hymel”), and rejected claims 40 and 42 under 35 U.S.C. § 103(a) as being unpatentable over Hymel in view of U.S. Patent No. 6,829,478 to Layton et al. (hereinafter, “Layton”).

By this Amendment, Applicants amend claims 26, 27, 30, 32, 33, 35, and 37-43 cancel claims 29 and 34, without prejudice or disclaimer of the subject matter contained therein, and add new claim 44. Applicants have amended claims 26, 32, 37, 39, 40, and 41 to recite, *inter alia*, that “the server is configured to specify the electronic coupon content for the next delivery based upon a purchase history of the user or a data access history by the user . . . so that a service of a different value will be provided with regard to a product having a high purchase frequency or with regard to a service having a high access.” Applicants have amended claim 40 to recite, *inter alia*, “the image data is automatically delivered based upon a history of internet web pages accessed by the user or actively delivered to the user without waiting for the user to access the web pages.” Support for this amendment may be found in the specification at pg. 34, lines 12-14. Other amendments to the claims either improve readability or claim subject matter previously included in other claims currently being cancelled with this Amendment. Claims 26-28, 30-33, and 35-43 are currently pending.

Applicants respectfully traverse the rejection of claim 26 under 35 U.S.C. § 102(a) as anticipated by Hymel. Hymel teaches a method and system for

demographic information of a user of a selective call receiver to be supplied to a point-of-sale (POS) in the form of a bar code. The user may receive coupons in bar code format that may be redeemed at the POS. Hymel, Abstract. Examples of SCRs include pagers or other wireless message receivers. Hymel, Background of Invention.

Claim 26 recites, *inter alia*, “the server is configured to specify the electronic coupon content for the next delivery based upon a purchase history of the user or a data access history by the user registered in the personal database, so that a service of a different value will be provided with regard to a product having a high purchase frequency or with regard to a service having a high access associated with the user.”

Portions of the cited claim language were included as part of canceled claim 29, which the Examiner rejected in the last Office Action citing to Hymel at pg. 10, lines 15-19 and pg. 14, lines 35+. See Office Action, pg. 4. However, the cited portions of Hymel do not disclose the above-noted recitation of claim 26. In particular, Hymel at pg. 10, lines 15-19, merely teaches that the “scanner . . . applies any applicable discount to the purchases made by the user,” and Hymel at pg. 14, lines 35-37 merely teaches that “the shopper then receives . . . discounts programmed into the store computer . . .”

However, each of the quoted passages fails to teach that the “service of a different value will be provided with regard to products having a high purchase frequency associated with the user or with regard to a service having a high access,” as recited in claim 26. In fact, nowhere does Hymel teach providing a “service of a different value” for “a product having a high purchase frequency or with regard to a service having a high access associated with a user.” Accordingly, Hymel fails to anticipate claim 26 and therefore, Applicants respectfully request the Examiner to withdraw this rejection. In

addition, claims 27, 28, 30, and 31 are allowable based, at least, upon their direct or indirect dependence upon claim 26.

Although of different scope, claims 32, 37, 39, and 41 contain claim language recited in claim 26. Specifically, claims 32, 37, 39, and 41 recite “the server is configured to specify the electronic coupon content for the next delivery based upon a purchase history of the user or a data access history by the user registered in the personal database, so that a service of a different value will be provided with regard to a product having a high purchase frequency or with regard to a service having a high access associated with the user.” Thus, claims 32, 37, 39, and 41 are allowable over Hymel for the same reasons set forth in connection with claim 26. In addition, claims 33, 35, 36, 38, and 43 are allowable based upon, at least, their direct or indirect dependence from claims 32, 37, 39, and 41. Accordingly, Applicants respectfully request the Examiner to withdraw the rejections of these claims.

Applicants respectfully traverse the rejection of claims 40 and 42 under 35 U.S.C. § 103(a) as being unpatentable over Hymel in view of Layton for the following reasons. As noted above, Hymel does not teach that the “the server is configured to specify the electronic coupon content for the next delivery based upon a purchase history of the user or a data access history by the user registered in the personal database, so that a service of a different value will be provided with regard to a product having a high purchase frequency or with regard to a service having a high access associated with the user.” Claims 40 and 42, as being dependent upon claim 41, have been amended to recite this claim language. Layton does not overcome the deficiencies of Hymel.

Layton teaches a “remote information management network routing system located at a either at an independent hosting facility or at a central station monitoring facility that receives event and alert information from a security or premise monitoring system” Layton, Abstract. The system “sequentially transmits interactive notifications about the event and alert information to wired and wireless devices.” Layton, Abstract. Thus, Layton is focused on sending notification to wired and wireless devices regarding alerts and events, such as a security alarm set off at a subscriber’s home. However, Layton is not directed to service coupons and does not disclose, nor does the Examiner allege that Layton discloses, each and every element of claims 40 and 42 including, “the server is configured to specify the electronic coupon content for the next delivery based upon a purchase history of the user or a data access history by the user registered in the personal database, so that a service of a different value will be provided with regard to a product having a high purchase frequency or with regard to a service having a high access associated with the user.” Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 40 and 42.

Moreover, the Examiner merely concludes that motivation exists in the references for their combination without any citation to either reference. The Examiner merely concludes that “such modification would have been an obvious extension as taught by Hymel et al., therefore an obvious expedient.” Office Action, pg. 6. Further, the Examiner does not show a likelihood of success. Thus, the rejection of claims 40 and 42 fail for these reasons as well.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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